

REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-20 are pending in the present application.

Claims 1-20 were rejected in the November 3, 2005 Office Action.

No claims have been allowed.

No claims are amended herein

Claims 1-20 remain in the present application.

Reconsideration of the claims is respectfully requested in light of the following argument.

In Sections 2 and 3 of the November 3, 2005 Office Action, the Examiner rejected Claims 1, 2, 5-7, 10-12, 16, 17 and 20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,587,684 to Hsu, et al. (hereafter "*Hsu*") in view of U.S. Patent No. 6,243,572 to Chow, et al. (hereafter "*Chow*"). In Section 4 of the Office Action, the Examiner rejected Claims 3, 4, 8, 9, 13-15, 18 and 19 under 35 U.S.C. § 103(a) as unpatentable over *Hsu* and *Chow* in further view of U.S. Patent No. 6,314,282 to Weber, et al. (hereafter "*Weber*"). The Applicants respectfully traverse the rejections.

The Applicants direct the Examiner's attention to Claim 1, which contains the unique and novel limitations emphasized below:

1. For use in a wireless network comprising a plurality of base stations, each of said base stations capable of communicating with a plurality of mobile stations, a service provisioning system capable of provisioning a first one of said plurality of mobile stations comprising:
a database capable of storing a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format; and

a provisioning controller coupled to said database capable of receiving a notification indicating that said first mobile station is unprovisioned and further capable, in response to receipt of said notification, of retrieving said service provisioning file from said database and transmitting said service provisioning file to said first mobile station, wherein receipt of said service provisioning file causes said first mobile station to automatically execute said mobile station service provisioning program in said service provisioning file, execution of said mobile station service provisioning program automatically provisioning said first mobile station without further interaction from a service operator. (*Emphasis added*).

The Applicants respectfully assert that the above-emphasized limitations are not disclosed in the *Hsu* reference, the *Chow* reference, or in the combination of the *Hsu* reference and the *Chow* reference.

In rejecting Claim 1, the Examiner asserts that the *Hsu* reference describes the use of an interpreted byte-code format for a mobile station provisioning program at column 6, lines 48-57.

The cited passage states:

The proxy gateway 20 performs protocol translation of the TCP/IP messages from the IWF 18 to recover hypertext transport protocol (HTTP) or hypertext markup language (HTML) protocol messages, generated by the digital telephone 16. The proxy gateway server 20 also performs hypertext-based security, for example using public-key encryption algorithms such as Diffie-Hellman. encryption, to provide a secure two-way client-server application layer session between the proxy gateway server 20 and the digital telephone 16.

In the first sentence, the cited passage describes a proxy gateway recovering HTTP or HTML messages generated by a digital telephone. The messages are recovered from TCP/IP messages received by the proxy server from an interworking function. In the second sentence, the cited passage teaches that the proxy gateway may also provide secure hypertext communication with the digital telephone. As such, the cited passage describes a proxy gateway that performs protocol translation and provides secure communication, rather than a service provisioning file comprising a

mobile station provisioning program as recited in Claim 1. Furthermore, the *Chow* and *Weber* references do nothing to overcome this shortcoming of the *Hsu* reference.

For these reasons, the Applicants respectfully assert that neither the *Hsu* reference, the *Chow* reference, the *Weber* reference, nor any combination of the cited references teaches a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format. This being the case, Claim 1 presents patentable subject matter over the *Hsu* reference and the *Chow* reference. Additionally, dependent Claims 2-5, which depend from Claim 1, contain all of the unique and novel limitations recited in independent Claim 1. Claims 2-5 are therefore patentable over the *Hsu*, *Chow* and *Weber* references.

Furthermore, independent Claims 6, 11 and 16 recite limitations that are analogous to the unique and novel limitations recited in Claim 1. This being the case, Claims 6, 11 and 16 are patentable over the *Hsu* reference and the *Chow* reference. Dependent Claims 7-10, 12-15 and 17-20, which depend from Claims 6, 11 and 16, respectively, contain all of the unique and novel limitations recited in independent Claims 6, 11 and 16. Thus, Claims 7-10, 12-15 and 17-20 are patentable over the *Hsu*, *Chow* and *Weber* references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

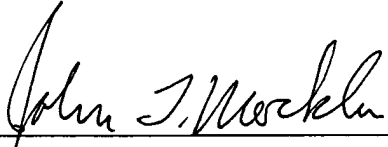
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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